

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

BASF AGRO B.V., ARNHEM (NL),
WÄDENSWIL BRANCH, and
BAYER S.A.S., and MERIAL LIMITED

Plaintiffs,

v.

CHEMINOVA, INC.,

Defendant.

Case No. 1:10-cv-274-WO-WWD

[PROPOSED] ORDER

THIS MATTER came before the Court upon the Parties' joint motion pursuant to Rule 16 to amend the schedule in this matter. Being fully apprised in the premises, the Court finds that good cause supports the motion and it is **HEREBY GRANTED**. Unless otherwise ordered, the case schedule will proceed as follows:

EVENT	DEADLINE
Fact depositions on patent liability issues begin (parties agree in good faith to work to make documents available related to particular witnesses before July 15 to facilitate depositions of such witnesses beginning on or about July 15) ²	October 18, 2010
Parties to exchange claim terms and positions	November 1, 2010 for exchange of claim terms November 15, 2010 to exchange positions regarding claim terms
Meet and confer regarding claim terms and positions	November 22, 2010
Substantial completion of fact discovery on patent liability issues	December 20, 2010

² All fact and expert discovery on issues relating solely to damages, reasonable royalty, or the appropriateness of injunctive relief will be deferred until after a trial in this case on issues of patent infringement, validity and/or enforceability.

Burden expert reports on patent liability issues, simultaneous exchange	February 1, 2011
Opening briefs on claim terms and positions, simultaneous filings	December 6, 2010
Opposition briefs on claim terms and positions, simultaneous filings	December 20, 2010
Responsive expert reports, simultaneous exchange	February 22, 2011
<i>Markman</i> hearing	On or before claim construction proceedings in <i>BASF Agro B.V., Arnhem (NL), Wädenswil Branch and Bayer S.A.S. v. Makhteshim Agan Of North America, Inc., and Control Solutions, Inc.</i> , C.A. No. 10-276 (M.D.N.C.)
Close of fact and expert discovery on patent liability issues	March 15, 2011
Local Rule 83.9 mediation process complete	On or before March 31, 2011
Dispositive motions on patent liability issues	On or before April 4, 2011; responses and replies per Local Rules briefing schedule
Commencement of trial on patent liability issues	July 5, 2011

SO ORDERED this the _____ day of _____, 2010.
